

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MYAH BRITT,

Plaintiff,

v.

SUN GAWD, et al.,

Defendants.

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Civil Action No.: 23-1970

ORDER

CECCHI, District Judge.

This matter is before the Court on Myah Britt’s (“Plaintiff”) Motion for Default Judgment against defendants Sun Gawd and Aniyah J. Henry (collectively, “Default Defendants”). ECF No. 22. On October 2, 2023, Plaintiff requested an entry of default from the clerk, given Default Defendants’ failure to plead or otherwise defend. ECF No. 12. The clerk entered default as to the Default Defendants on October 3, 2023.

WHEREAS even when default was properly entered, “the entry of [default] judgment is left primarily to the discretion of the district court.” *Alpine Fresh, Inc. v. Jala Trucking Corp.*, 181 F. Supp. 3d 250, 258 (D.N.J. 2016) (internal quotation marks and citation omitted). In a multi-defendant case where default judgment is not entered against all defendants, “the preferred practice is for the court to withhold granting default judgment until the action is resolved on its merits against non-defaulting defendants.” *Id.* (internal quotation marks and citation omitted); *see also Davis v. Burke*, No. CV 19-10620, 2023 WL 3867240, at *1 (D.N.J. June 6, 2023); *Estelow v. Rangga*, No. 21CV15495, 2022 WL 2304676, at *1 (D.N.J. June 27, 2022); and

WHEREAS in the interests of judicial economy and fairness, and to avoid inconsistent judgments, Plaintiff’s Motion for Default Judgment (ECF No. 22) is hereby denied without

prejudice as premature. Plaintiff may make a renewed motion for default judgment against any and all defaulting defendants after this matter has been resolved against the non-defaulting defendants.

IT IS on this 5th day of September, 2024,

ORDERED that Plaintiff's Motion for Default Judgment (ECF No. 22) is denied without prejudice.

SO ORDERED.

/s/ Claire C. Cecchi

CLAIRE C. CECCHI, U.S.D.J.